IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PHARMACYCLICS LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. _____
	)	
BEIGENE USA, INC. and BEIGENE, LTD.,	)	**DEMAND FOR JURY TRIAL**
	)	
	)	
Defendants.	)	

COMPLAINT

Plaintiff Pharmacyclics LLC ("Plaintiff") hereby asserts the following claims for patent infringement against Defendants BeiGene USA, Inc. and BeiGene, Ltd. (collectively, "Defendants" or "BeiGene"), and alleges as follows:

INTRODUCTION

1. Plaintiff has invested substantial resources in discovering, identifying, and developing new compounds and drugs for human treatment. One group of compounds discovered by Plaintiff is a novel class of small molecules that covalently bind to a protein called Bruton's tyrosine kinase ("BTK"), thereby irreversibly inhibiting BTK's activity.

2. BTK is a key signaling molecule in the pathway that leads to B-cell growth and maturation following activation of the B-cell receptor. Abnormalities in the B-cell receptor signaling pathway can lead to uncontrolled cell growth and cause cancers of the blood and bone marrow.

3. After creating its novel class of BTK inhibitors, Plaintiff developed IMBRUVICA® (ibrutinib), a first-in-class drug that irreversibly inhibits BTK's enzymatic activity. In February 2014, IMBRUVICA® received FDA approval for the treatment of chronic lymphocytic leukemia ("CLL") for patients who received at least one prior therapy.

IMBRUVICA® was subsequently approved for additional indications, including small lymphocytic lymphoma ("SLL"). IMBRUVICA® was designated a Breakthrough Therapy by the FDA for many of its indications, including the treatment of CLL or SLL with a deletion in the short arm of chromosome 17 (del 17p).

4. IMBRUVICA® has gained widespread acceptance in the medical community, treating hundreds of thousands of patients around the world. In 2015, IMBRUVICA® was awarded the prestigious Prix Galien Award for Best Pharmaceutical Agent. The Prix Galien Award is considered the biomedical industry's highest accolade.

5. Plaintiff has obtained U.S. patents directed to its novel class of BTK inhibitors and to methods of using these BTK inhibitors, including U.S. Patent No. 11,672,803 (the "'803 Patent"), which is asserted in this action.

6. In January 2023, BeiGene obtained FDA approval to market BRUKINSA® (zanubrutinib), which is in the same class of BTK inhibitors invented by Plaintiff, for treating CLL and SLL. This action arises out of BeiGene's sale, offer for sale, and distribution of BRUKINSA® (zanubrutinib) to induce healthcare providers and patients to practice Plaintiff's invention. Plaintiff brings this patent infringement action to compensate Plaintiff for the damage that BeiGene has caused and will cause and for equitable relief as appropriate.

NATURE OF THE ACTION

7. This is an action for patent infringement under the laws of the United States, 35 U.S.C. § 100, *et seq.*

THE PARTIES

8. Plaintiff Pharmacyclics LLC is a limited liability company organized under the laws of Delaware with its principal place of business at 1 North Waukegan Road, North Chicago, Illinois 60064. Pharmacyclics LLC is the assignee and owner of the '803 Patent. Pharmacyclics

LLC holds New Drug Application ("NDA") Nos. 205552, 210563, and 217003 for IMBRUVICA®. Pharmacyclics LLC is engaged in the clinical development and commercialization of IMBRUVICA®.

9. On information and belief, BeiGene, Ltd. is a company organized under the laws of the Cayman Islands with its Research and Development Center at 30 Science Park Road, Zhongguancun Life Science Park, Changping District, Beijing, China, and its Clinical Development and Regulatory Office at 6 Jianguomenwai Avenue, SK Tower, 33F, 35F, 36F, 37F, Chaoyang District, Beijing, China. On information and belief, BeiGene, Ltd. is in the business of, among other things, manufacturing, marketing and selling BRUKINSA® (zanubrutinib) in the United States, including in Delaware, and conducts business throughout the United States.

10. On information and belief, BeiGene USA, Inc. ("BeiGene USA") is a corporation organized under the laws of Delaware, having a principal place of business at 55 Cambridge Pkwy, Ste 700W, Cambridge, Massachusetts.

11. On information and belief, BeiGene USA is a wholly-owned subsidiary of BeiGene, Ltd. On information and belief, BeiGene USA conducts activities as the agent of BeiGene, Ltd. in Delaware.

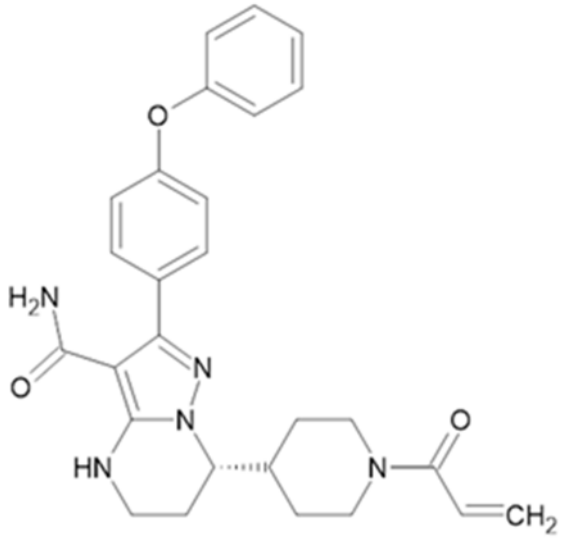
THE PATENT IN SUIT

12. On June 13, 2023, the United States Patent and Trademark Office ("PTO") issued the '803 Patent, entitled "Use of Inhibitors of Brutons Tyrosine Kinase (BTK)." A copy of the '803 Patent is attached hereto as Exhibit A.

BEIGENE'S BRUKINSA® (ZANUBRUTINIB) PRODUCT

13. On information and belief, on June 27, 2019, BeiGene USA and BeiGene, Ltd. worked together to submit NDA No. 213217 to the FDA seeking approval to sell BRUKINSA® (zanubrutinib).

14. The active ingredient in BRUKINSA® is zanubrutinib, which has the following structure:



15. On information and belief, BRUKINSA® (zanubrutinib) has been available to patients in the United States since at least November 14, 2019, when the FDA first approved it for treating mantle cell lymphoma. *See U.S. FDA Grants BeiGene's BRUKINSA® (zanubrutinib) Accelerated Approval to Treat Adult Patients with Mantle Cell Lymphoma Who Received at Least One Prior Therapy*, GLOBENEWSWIRE (Nov. 14, 2019), https://www.globenewswire.com/news-release/2019/11/14/1947617/0/en/U-S-FDA-Grants-BeiGene-s-BRUKINSA-zanubrutinib-Accelerated-Approval-to-Treat-Adult-Patients-with-Mantle-Cell-Lymphoma-Who-Received-at-Least-One-Prior-Therapy.html. On information and belief, BeiGene has been selling BRUKINSA® (zanubrutinib) in the United States since at least the end of 2019. *See BeiGene Reports Fourth Quarter and Full Year 2019 Financial Results*, GLOBENEWSWIRE (Mar. 2, 2020), https://www.globenewswire.com/news-release/2020/03/02/1993782/0/en/BeiGene-Reports-Fourth-Quarter-and-Full-Year-2019-Financial-Results.html. On information and belief, BeiGene will continue selling BRUKINSA® (zanubrutinib) in the United States. *See BeiGene Reports First*

Quarter 2023 Financial Results and Corporate Developments, BEIGENE (May 4, 2023), https://ir.beigene.com/news/beigene-reports-first-quarter-2023-financial-results-and-corporate-developments/551a7a73-cc19-4bde-a77b-993e8158521e/.

16. On information and belief, on January 19, 2023, the FDA approved BRUKINSA® (zanubrutinib) for the treatment of adult patients with CLL or SLL. The approved label indicates that BRUKINSA® (zanubrutinib) is manufactured for BeiGene USA and that BRUKINSA® is a registered trademark of BeiGene, Ltd.

17. On information and belief, BeiGene has been encouraging healthcare providers and patients to use BRUKINSA® (zanubrutinib) for the treatment of CLL or SLL since at least January 19, 2023. *See BRUKINSA® Approved in the U.S. for Chronic Lymphocytic Leukemia*, BEIGENE, INC. (Jan. 19, 2023), https://ir.beigene.com/news/brukinsa-approved-in-the-u-s-for-chronic-lymphocytic-leukemia/4022a38f-ea68-4b11-ba1f-45478e2c0697/.

JURISDICTION AND VENUE

18. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202.

19. This Court has personal jurisdiction over BeiGene USA because it is incorporated under the laws of Delaware.

20. This Court has personal jurisdiction over BeiGene, Ltd. because, on information and belief, it has continuous and systematic contacts with Delaware, regularly conducts business in Delaware, either directly or through one or more of its affiliates or agents, and has purposefully availed itself of the privilege of doing business in Delaware. Further, on information and belief, BeiGene, Ltd., in conjunction with its wholly-owned subsidiary BeiGene USA, a Delaware corporation, manufactures, markets, imports, and distributes BRUKINSA® (zanubrutinib) for use by patients, including those in Delaware. Among other things, BeiGene, Ltd. has worked in concert

with BeiGene USA to prepare and submit regulatory filings, conduct clinical trials, and obtain regulatory approval to market BRUKINSA® in this district and throughout the United States. By way of example only, among other actions, BeiGene, Ltd. submitted and sponsored the Investigational New Drug Application for BRUKINSA®. *See* U.S. Food & Drug Admin., Memorandum of Meeting Minutes: IND 125326 (Nov. 2, 2018), https://www.accessdata.fda.gov/drugsatfda_docs/nda/2019/213217Orig1s000AdminCorres.pdf.

21. This Court also has personal jurisdiction over BeiGene, Ltd. because, *inter alia*, BeiGene, Ltd. intends a future course of conduct that includes acts of patent infringement in Delaware. These acts have led and will lead to foreseeable harm and injury to Plaintiff in Delaware. For example, on information and belief, BeiGene, Ltd. will work in concert with BeiGene USA to make, use, import, market, sell, and/or offer for sale BRUKINSA® (zanubrutinib) in Delaware, prior to the expiration of the '803 Patent, in a manner that induces infringement, thereby causing injury to Plaintiff in Delaware.

22. In the alternative, this Court also has personal jurisdiction over BeiGene, Ltd. under Federal Rule of Civil Procedure 4(k)(2)(a) as (a) Plaintiff's claims arise under federal law; (b) BeiGene, Ltd. is a foreign defendant not subject to general personal jurisdiction in the courts of any state; and (c) BeiGene, Ltd. has sufficient contacts in the United States as a whole, including, but not limited to, participating in the preparation and submission of the BRUKINSA® NDA, and/or manufacturing and/or selling BRUKINSA® throughout the United States, including in this judicial district, such that this Court's exercise of jurisdiction over BeiGene, Ltd. satisfies due process.

23. Venue as to BeiGene USA is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) because it is incorporated in Delaware.

24. Venue as to BeiGene, Ltd., a foreign corporation, is proper in this judicial district under 28 U.S.C. § 1391, including because, *inter alia*, it is subject to personal jurisdiction in this Judicial District, as set forth above, is a corporation organized under the laws of the Cayman Islands, and may be sued in any judicial district. 28 U.S.C. § 1391(c)(3).

COUNT I

Infringement Of The '803 Patent

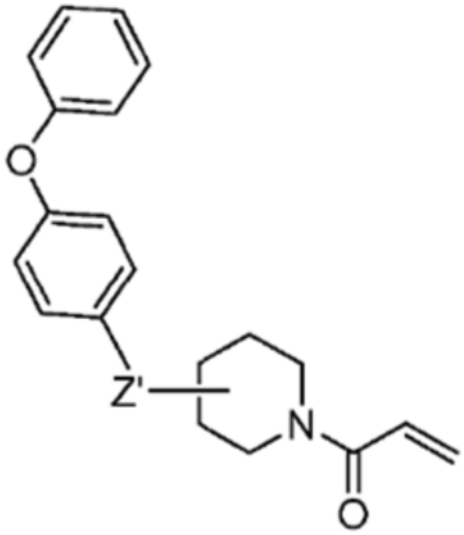
25. Plaintiff realleges and incorporates by reference each of the allegations set forth in paragraphs 1 through 24.

26. Plaintiff is the owner and assignee of the '803 Patent.

27. Upon information and belief, during the term of the '803 Patent, BeiGene is making, using, selling, offering for sale BRUKINSA® (zanubrutinib) in the United States, and/or importing BRUKINSA® (zanubrutinib) into the United States.

28. Claims 1, 2, 3, 4, 5, 6, 7, 8, 12, and 20 of the '803 Patent recite methods for treating CLL or SLL in an individual, comprising orally administering to the individual a therapeutically effective amount of an irreversible inhibitor of BTK on a continuous daily regimen until progression of the CLL or SLL or unacceptable toxicity, wherein lymphocytosis is not considered progression of the CLL or SLL.

29. Further, claims 1, 2, 3, 4, 5, 6, 7, and 8 of the '803 Patent recite that the irreversible inhibitor of BTK is a small organic molecule having the below structure:



wherein Z' is an optionally substituted fused heterocyclic ring system comprising from 2-4 nitrogen heteroatoms; wherein the optionally substituted fused heterocyclic ring system consists a 5-membered ring comprising at least one nitrogen heteroatom fused to a 6-membered ring comprising at least one nitrogen heteroatom. Claims 12 and 20 further recite that the fused heterocyclic ring system comprises 3 nitrogen heteroatoms.

30. Zanubrutinib, the active ingredient in BRUKINSA®, is an irreversible inhibitor of BTK that falls within the claimed chemical structure recited in claims 1, 2, 3, 4, 5, 6, 7, 8, 12, and 20 of the '803 Patent.

31. BeiGene's labeling for BRUKINSA® (zanubrutinib) instructs healthcare providers and patients to orally administer a therapeutically effective amount of BRUKINSA® (zanubrutinib) to treat CLL or SLL. *See Highlights of Prescribing Information, BRUKINSA® (zanubrutinib)* (Jan. 2023), https://www.accessdata.fda.gov/drugsatfda_docs/label/2023/213217s007lbl.pdf at Sections 1.4,

2.1. The BRUKINSA® (zanubrutinib) labeling further instructs a patient to continue a daily regimen until progression of CLL or SLL or unacceptable toxicity. *Id.* The BRUKINSA® (zanubrutinib) labeling further instructs that "[a]symptomatic lymphocytosis should not be regarded as an adverse reaction, and these patients should continue taking BRUKINSA." *Id.* at Section 2.4. The BRUKINSA® (zanubrutinib) labeling further instructs that "[z]anubrutinib forms a covalent bond with a cysteine residue in the BTK active site, leading to inhibiton of BTK activity." *Id.* at Section 12.1. The BRUKINSA® (zanubrutinib) labeling further instructs that "[t]he median steady-state BTK occupancy in peripheral blood mononuclear cells was maintained at 100% over 24 hours at a total daily dose of 320 mg in patients with B-cell malignancies." *Id.* at Section 12.2.

32. On information and belief, BeiGene specifically intends that BRUNKINSA® (zanubrutinib) be used by healthcare providers and patients to treat CLL or SLL in accordance with the instructions provided in its labeling. *Id.* at Sections 1.4, 2.1; *see also BRUNKINSA® Patient Brochure*, https://www.brukinsa.com/patient-brochure2.pdf (last accessed June 13, 2023).

33. On information and belief, BeiGene knows that healthcare providers and patients have used and will use BRUNKINSA® (zanubrutinib) for the treatment of CLL or SLL in accordance with the instructions in the labeling provided with BRUNKINSA® (zanubrutinib).

34. The use of BRUKINSA® (zanubrutinib) by healthcare providers and patients for the treatment of CLL or SLL as instructed by the labeling directly infringes claims 1, 2, 3, 4, 5, 6, 7, 8, 12, and 20 of the '803 Patent under 35 U.S.C. § 271(a).

35. On information and belief, this infringing use of BRUKINSA® (zanubrutinib) is at BeiGene's behest, and with its intent, knowledge, and encouragement, or willful blindness, and

BeiGene actively induces, encourages, aids, and abets, or is willfully blind to, this use with knowledge that it infringes the '803 Patent.

36. On information and belief, BeiGene actively monitors and analyzes patents relevant to the field of BTK inhibitors, including that of BRUKINSA® (zanubrutinib), and has specific knowledge of the '803 Patent. For example, in its 2023 Form 10-K filed with the United States Securities and Exchange Commission, BeiGene admitted that it was "aware of patents in the U.S. and some other jurisdictions with claims covering . . . complexes of irreversible BTK inhibitors that are relevant to BRUKINSA for which the patent is expected to expire in 2027." *See* BeiGene, Ltd. 2023Annual Report (Form 10-K) (Feb. 27, 2023), available at https://ir.beigene.com/filings-financials/sec-filings/ at 77. In its 2017 Form 10-K BeiGene admitted that it is "aware of a U.S. patent owned by Pharmacyclics, Inc., which was acquired by AbbVie, Inc., with certain claims directed to a complex of an irreversible BTK inhibitor having a covalent bond to a cysteine residue of a BTK" and that the patent "is relevant to [BeiGene's BRUKINSA®] drug candidate." *See* BeiGene, Ltd. 2017 Annual Report (Form 10-K) (Mar. 22, 2017), available at https://ir.beigene.com/filings-financials/sec-filings/ at 45, 113. Further, in its 2023 Form 10-K, BeiGene admitted that BeiGene "operate[s] in a highly competitive environment" and that IMBRUVICA® competes with BRUKINSA®. *See* BeiGene, Ltd. 2023 Annual Report (Form 10-K), at 28. Upon information and belief, BeiGene actively monitors patents related to the pharmaceutical products of its competitors, including patents listed in the FDA's Orange Book for IMBRUVICA®. Family members of the '803 Patent are listed in the FDA's Orange Book for IMBRUVICA®, including U.S. Patent Nos. 9,801,881; 10,016,435; 10,478,439; 10,653,696; and 10,751,342. Moreover, on information and belief, BeiGene will have specific knowledge of the

'803 Patent on the day it issues, at least as a result of the filing of this Complaint. Accordingly, BeiGene has specific knowledge of the '803 Patent.

37. BeiGene has specific intent that healthcare providers and patients use BRUKINSA® (zanubrutinib) for the treatment of CLL or SLL according to the methods claimed in the '803 Patent.

38. As a result, BeiGene is liable under 35 U.S.C. § 271(b) for inducing infringement of the '803 Patent by healthcare providers and patients who use BRUKINSA® (zanubrutinib).

39. Plaintiff has been and is being damaged by BeiGene's infringement of the '803 Patent. Plaintiff has a right to recover from BeiGene the damages sustained by Plaintiff as a result of BeiGene's wrongful acts.

40. Plaintiff has no adequate remedy at law to redress BeiGene's infringement of the '803 Patent.

COUNT II

Declaratory Judgment Of Infringement Of The '803 Patent

41. Plaintiff realleges and incorporates by reference each of the allegations set forth in paragraphs 1 through 40.

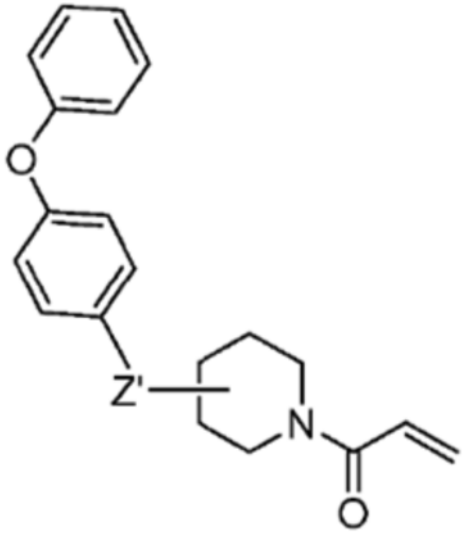
42. Plaintiff seeks a declaratory judgment of infringement of the '803 Patent under 28 U.S.C. §§ 2201 and 2202 based on a definite and concrete, justiciable controversy between Plaintiff and BeiGene.

43. The '803 Patent issued on June 13, 2023.

44. Upon information and belief, during the term of the '803 Patent, BeiGene will continue to make, use, sell, offer for sale BRUKINSA® (zanubrutinib) in the United States, and/or import BRUKINSA® (zanubrutinib) into the United States.

45. Claims 1, 2, 3, 4, 5, 6, 7, 8, 12, and 20 of the ’803 Patent recite methods for treating CLL or SLL in an individual, comprising orally administering to the individual a therapeutically effective amount of an irreversible inhibitor of BTK on a continuous daily regimen until progression of the CLL or SLL or unacceptable toxicity, wherein lymphocytosis is not considered progression of the CLL or SLL.

46. Further, claims 1, 2, 3, 4, 5, 6, 7, and 8 of the ’803 Patent recite that the irreversible inhibitor of BTK is a small organic molecule having the below structure:



wherein Z’ is an optionally substituted fused heterocyclic ring system comprising from 2-4 nitrogen heteroatoms; wherein the optionally substituted fused heterocyclic ring system consists a 5-membered ring comprising at least one nitrogen heteroatom fused to a 6-membered ring comprising at least one nitrogen heteroatom. Claims 12 and 20 further recite that the fused heterocyclic ring system comprises 3 nitrogen heteroatoms.

47. Zanubrutinib, the active ingredient in BRUKINSA®, is an irreversible inhibitor of BTK that falls within the claimed chemical structure recited in claims 1, 2, 3, 4, 5, 6, 7, 8, 12, and 20 of the ’803 Patent.

48. BeiGene's labeling for BRUKINSA® (zanubrutinib) instructs healthcare providers and patients to orally administer a therapeutically effective amount of BRUKINSA® (zanubrutinib) to treat CLL or SLL. *See Highlights of Prescribing Information, BRUKINSA® (zanubrutinib)* (Jan. 2023), https://www.accessdata.fda.gov/drugsatfda_docs/label/2023/213217s007lbl.pdf at Sections 1.4, 2.1. The BRUKINSA® (zanubrutinib) labeling further instructs a patient to continue a daily regimen until progression of CLL or SLL or unacceptable toxicity. *Id.* The BRUKINSA® (zanubrutinib) labeling further instructs that "[a]symptomatic lymphocytosis should not be regarded as an adverse reaction, and these patients should continue taking BRUKINSA." *Id.* at Section 2.4. The BRUKINSA® (zanubrutinib) labeling further instructs that "[z]anubrutinib forms a covalent bond with a cysteine residue in the BTK active site, leading to inhibiton of BTK activity." *Id.* at Section 12.1. The BRUKINSA® (zanubrutinib) labeling further instructs that "[t]he median steady-state BTK occupancy in peripheral blood mononuclear cells was maintained at 100% over 24 hours at a total daily dose of 320 mg in patients with B-cell malignancies." *Id.* at Section 12.2.

49. On information and belief, BeiGene specifically intends that BRUNKINSA® (zanubrutinib) be used by healthcare providers and patients to treat CLL or SLL in accordance with the instructions provided in its labeling. *Id.* at Sections 1.4, 2.1; *see also BRUNKINSA® Patient Brochure*, https://www.brukinsa.com/patient-brochure2.pdf (last accessed June 13, 2023).

50. On information and belief, BeiGene knows that healthcare providers and patients have used and will use BRUNKINSA® (zanubrutinib) for the treatment of CLL or SLL in accordance with the instructions in the labeling provided with BRUNKINSA® (zanubrutinib).

51. The use of BRUKINSA® (zanubrutinib) by healthcare providers and patients for the treatment of CLL or SLL as instructed by the labeling will directly infringe claims 1, 2, 3, 4, 5, 6, 7, 8, 12, and 20 of the '803 Patent under 35 U.S.C. § 271(a).

52. On information and belief, this infringing use of BRUKINSA® (zanubrutinib) will be at BeiGene's behest, and with its intent, knowledge, and encouragement, or willful blindness, and BeiGene will actively induce, encourage, aid, and abet or be willfully blind to this administration with knowledge that it infringes the '803 Patent.

53. On information and belief, BeiGene actively monitors and analyzes patents relevant to the field of BTK inhibitors, including that of BRUKINSA® (zanubrutinib), and has specific knowledge of the '803 Patent. For example, in its 2023 Form 10-K filed with the United States Securities and Exchange Commission, BeiGene admitted that it was "aware of patents in the U.S. and some other jurisdictions with claims covering . . . complexes of irreversible BTK inhibitors that are relevant to BRUKINSA for which the patent is expected to expire in 2027." *See* BeiGene, Ltd. 2023 Annual Report (Form 10-K) (Feb. 27, 2023), available at https://ir.beigene.com/filings-financials/sec-filings/ at 77. In its 2017 Form 10-K BeiGene admitted that it is "aware of a U.S. patent owned by Pharmacyclics, Inc., which was acquired by AbbVie, Inc., with certain claims directed to a complex of an irreversible BTK inhibitor having a covalent bond to a cysteine residue of a BTK" and that the patent "is relevant to [BeiGene's BRUKINSA®] drug candidate." *See* BeiGene, Ltd. 2017 Annual Report (Form 10-K) (Mar. 22, 2017), available at https://ir.beigene.com/filings-financials/sec-filings/ at 45, 113. Further, in its 2023 Form 10-K, BeiGene admitted that BeiGene "operate[s] in a highly competitive environment" and that IMBRUVICA® competes with BRUKINSA®. *See* BeiGene, Ltd. 2023 Annual Report (Form 10-K), at 28. Upon information and belief, BeiGene actively monitors patents related to the

pharmaceutical products of its competitors, including patents listed in the FDA's Orange Book for IMBRUVICA®. Family members of the '803 Patent are listed in the FDA's Orange Book for IMBRUVICA®, including U.S. Patent Nos. 9,801,881; 10,016,435; 10,478,439; 10,653,696; and 10,751,342. Moreover, on information and belief, BeiGene will have specific knowledge of the '803 Patent on the day it issues, at least as a result of the filing of this Complaint. Accordingly, BeiGene has specific knowledge of the '803 Patent.

54. BeiGene has specific intent that healthcare providers and patients use BRUKINSA® (zanubrutinib) for the treatment of CLL or SLL according to the methods claimed in the '803 Patent.

55. As a result, BeiGene will be liable under 35 U.S.C. § 271(b) for inducing infringement of the '803 Patent by healthcare providers and patients who use BRUKINSA® (zanubrutinib).

56. Plaintiff will be damaged by BeiGene's infringement of the '803 Patent. Plaintiff has a right to recover from BeiGene the damages sustained by Plaintiff as a result of BeiGene's wrongful acts.

57. There is an actual, real, immediate, and justiciable controversy between Plaintiff and BeiGene regarding whether BeiGene's manufacture, offers to sell, sales, and use within the United States, and importation into the United States, of BRUKINSA® (zanubrutinib) will induce the infringement of the '803 Patent by others.

58. Plaintiff therefore seeks a declaratory judgment that BeiGene will induce infringement of the '803 Patent by healthcare providers and patients.

JURY DEMAND

59. Plaintiff hereby demands trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests:

A. A judgment that BeiGene's manufacture, offers to sell, sales, and use within the United States, and importation into the United States, of BRUKINSA® (zanubrutinib) induce the infringement of the '803 Patent by others;

B. A declaratory judgment under 28 U.S.C. § 2201 that BeiGene's manufacture, offers to sell, sales, and use within the United States, and importation into the United States, of BRUKINSA® (zanubrutinib) will induce the infringement of the '803 Patent by others;

C. An order granting any equitable relief that the Court deems appropriate;

D. An accounting of all damages sustained by Plaintiff as a result of BeiGene's infringing activities;

E. Actual damages together with prejudgment interest;

F. That the case be found to be exceptional under 35 U.S.C. § 285 and that Plaintiff be awarded its attorneys' fees;

G. An award of its costs and expenses in this action; and

H. Such other and further relief as the Court may deem just and proper under the circumstances.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Jeremy A. Tigan

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June 13, 2023